

REMARKS

Favorable reconsideration of this patent application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 and 20-23 have been rejected as being indefinite under 35 USC 112; Claims 1-5 and 11-14 have been rejected as being unpatentable over Large et al. in view of Tanimoto under 35 USC 103; Claims 6-10 and 20-23 have been rejected as being unpatentable over Large et al. in view of Tanimoto and Gottlieb et al. under 35 USC 103; and Claims 15-19 and 24-27 have been allowed. Claims 1, 6, and 20 have been cancelled, Claims 28-30 have been inserted, and consequently, Claims 2-5, 7-19, and 21-30 are now active in this patent application.

The interview granted by Examiner Severson is hereby acknowledged and sincerely appreciated as a means for expediting the prosecution of this patent application toward allowance. During the course of the interview, new Claim 28 was presented to the examiner and it was agreed that such claim patentably defined over all of the art of record in that none of the art of record disclosed the means for determining the true thickness dimension of an article which has a sufficiently large thickness dimension to cause bounce deflections. It was also noted that such claim rectified the deficiencies of original Claim 1 with respect to the noted rejection under 35 USC 112, and therefore, the rejection under 35 USC 112 would be withdrawn. Similar arguments are applicable to new Claims 29 and 30.

In connection with the rejection of Claim 11, it was noted to the examiner that while Large et al. does disclose means for determining the average thickness dimension of, for example, an envelope, none of the prior art discloses a rotary encoder wherein the lever arm has a first end portion thereof disposed in contact with the article convey-

or. In Tanimoto, it can be seen from **FIGURE 5A** that the end portion of the lever arm is spaced from the article conveyor. This is an important distinction in that it provides the system of the present invention with enhanced accuracy in that, in view of the fact that the lever arm has its end portion disposed in contact with the article conveyor, the lever arm will be moved immediately upon any contact therewith by means of any article having any thickness dimension. To the contrary, in accordance with Tanimoto, the movement of the lever arm will only be implemented when the article has a large enough thickness dimension to encounter the end portion of the lever arm disposed adjacent to the article conveyor.

It is also noted that a **REPLACEMENT SHEET** for **FIGURE 1**, properly labeled as **FIGURE 1**, is also attached hereto as required by the examiner.

In light of the foregoing, it is submitted that

this patent application is now in condition for allowance, and therefore, an early and favorable action to this effect is now anticipated and awaited.

It is lastly noted that this amendment is being filed within a period of two (2) months beyond the normal response due date, and therefore, a check in the amount of \$450.00 is attached hereto for the two (2) month extension of time fee in connection with a two (2) month extension of time which is hereby respectfully requested.

Respectfully Submitted,
SCHWARTZ & WEINRIEB



Steven W. Weinrieb
Attorney of Record
Registration No. 26,520
(703) 415-1250